

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VISIBLE SYSTEMS CORPORATION,

Plaintiff

v.

Civil Action No. 04-CV-11610-RGS

UNISYS CORPORATION,

Defendant

MOTION FOR SETTLEMENT OF RECORD

Pursuant to Rule 10(c), Fed. R. App. P., Plaintiff Visible Systems Corporation hereby submits Plaintiff's Statement of Proceedings previously served upon Defendant Unisys Corporation (Exhibit 1 hereto), with supporting affidavit (Exhibit 2 hereto) and Defendant's Objections and Response to said Statement (Exhibit 3 hereto), and moves for (a) settlement and approval of same by the Court, and (b) forwarding of same by the Court as a supplemental record to the Court of Appeals under Rule 10(e)(2)(B), Fed. R. App. P. *See Athridge v. Rivas*, 141 F.3d 357, 361-62 (D.C. Cir. 1998). The Court of Appeals entered the Briefing Notice in the appeal of this case on February 7, 2008, setting March 18, 2008 as the due date for appellant's brief and the joint appendix.

Plaintiff,
VISIBLE SYSTEMS CORPORATION,
By its attorneys,

/s/Stephen H. Galebach

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Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

February 8, 2008

/s/ Stephen H. Galebach
Stephen H. Galebach